

1 The Honorable Jamal Whitehead
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JOSHUA A. DIEMERT, an individual,

10 Plaintiff,

11 v.

12 THE CITY OF SEATTLE, a municipal
13 corporation,

14 Defendant.

15 No. 2:22-CV-01640-JNW

**STIPULATED MOTION AND
[PROPOSED] ORDER TO EXTEND
ANSWER DEADLINE AND CONTINUE
TRIAL DATE AND RELATED
DEADLINES**

16 Noting Date: September 7, 2023

STIPULATED MOTION

17 Plaintiff Joshua A. Diemert (“Plaintiff”) and Defendant The City of Seattle (“Defendant”)
18 jointly move the Court to amend the Order Setting Trial Date and Related Deadlines and Trial Date
19 (Dkt. No. 25) and extend the trial date and related deadlines in this case. In support of this
20 Stipulated Motion, the Parties state the following:

21 1. Plaintiff filed the Complaint in this matter on November 16, 2022. Dkt. 1. Plaintiff
22 filed an Amended Complaint and served Defendant with same on January 19, 2023. Dkt. 10-11.

23 2. On March 10, 2023, Defendant moved for dismissal of Plaintiff’s claims pursuant to
24 Federal Rule of Civil Procedure 12(b)(6). Dkt. 16. That motion was noted for April 7, 2023. While
25 the motion was pending, the Parties refrained from actively litigating this matter, in the interest of
26 efficiency.

27 3. On April 4, 2023, this matter was reassigned from Judge Lauren King to Judge

1 Jamal Whitehead.

2 4. On June 16, 2023, the Court entered the Order Setting Trial Date and Related
 3 Deadlines, setting the trial for April 29, 2024 and setting interim case deadlines. Dkt. 25.

4 4. The Court issued an Order granting in part and denying in part Defendant's Motion
 5 on August 28, 2023. Dkt. 28.

6 5. The Parties have conferred and hereby jointly request an extension of the trial date
 7 by a period of four months, which is commensurate with the period of time during which the
 8 Defendant's motion remained pending between its original noting date and the date of the Court's
 9 order. The Parties also request that the other unexpired pretrial deadlines be extended consistent
 10 with the extension of the trial date.

11 6. In addition, Defendant has requested to extend the September 11 deadline for
 12 Defendant's Answer to the Complaint, triggered by the Court's August 28, 2023 Order, to
 13 September 21, 2023, and Plaintiff has agreed.

14 7. For the foregoing reasons, the Parties jointly therefore respectfully request that the
 15 Court modify the Case Scheduling Order and continue the trial date, pretrial deadlines, and Answer
 16 deadline in this matter as follows, or to similar dates in accordance with the Court's availability:

Event	Revised Date
Answer to Complaint	September 21, 2023
Deadline for filing amended pleadings	February 2, 2024
Disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2)	February 2, 2024
Disclosure of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2)	Within 30 days after the other party's expert disclosure
All motions related to discovery must be filed	March 1, 2024
Discovery completed by	April 1, 2024
All dispositive motions and motions challenging expert witness testimony must be filed by	May 2, 2024

1 Settlement conference under LCR 39.1, if requested by the parties, held no later than	June 29, 2024
2 All motions in limine must be filed by	July 22, 2024
3 Deposition Designations must be submitted to the Court by	August 8, 2024
4 Agreed pretrial order due	August 8, 2024
5 Trial briefs, proposed voir dire questions, and proposed jury instructions must be filed by	August 15, 2024
6 Pretrial conference	August 22, 2024
7 Trial Date	September 3, 2024

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11 The Parties suggest this proposed schedule, recognizing that availability on the Court's trial
12 calendar may be limited. Should the above-proposed dates be inconvenient for the Court, the
13 Parties respectfully request a similar extension of the deadlines in this case to dates that suit the
14 Court's schedule and convenience.

15 STIPULATED this 7th day of September, 2023.

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[PROPOSED] ORDER

2 The Parties jointly moved the Court for an extension of discovery and other deadlines.

3 The discovery deadlines are extended to the following dates:

4 Event	5 Revised Date
6 Answer to Complaint	7 September 21, 2023
7 Deadline for filing amended pleadings	8 February 2, 2024
8 Disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2)	9 February 2, 2024
9 Disclosure of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2)	10 Within 30 days after the other party's expert disclosure
10 All motions related to discovery must be filed	11 March 1, 2024
11 Discovery completed by	12 April 1, 2024
12 All dispositive motions and motions challenging expert witness testimony must be filed by	13 May 2, 2024
13 Settlement conference under LCR 39.1, if requested by the parties, held no later than	14 June 29, 2024
15 All motions in limine must be filed by	16 July 22, 2024
16 Deposition Designations must be submitted to the Court by	17 August 8, 2024
17 Agreed pretrial order due	18 August 8, 2024
18 Trial briefs, proposed voir dire questions, and proposed jury instructions must be filed by	19 August 15, 2024
20 Pretrial conference	21 August 22, 2024
21 Trial Date	September 3, 2024

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23 IT IS SO ORDERED.

24 Dated this _____ day of _____, 2023.

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26 _____
27 The Honorable Jamal Whitehead
United States District Court Judge

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2 **Presented by:**

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11 **Stipulated / Approved as to Form:**

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